

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:09CR092-P-S

SHUN MICHAEL BIGGS,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's first Motion for Continuance [16]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for August 31, 2009. Defense counsel requests a continuance to afford more time to meet with the defendant, complete inspection of discovery material, prepare any necessary pretrial motions, and to engage in plea negotiations.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from August 31, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [17] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, October 19, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from August 31, 2009 to October 19, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is September 28, 2009; and

(5) The deadline for submitting a plea agreement is October 5, 2009.

SO ORDERED this the 18th day of August, A.D., 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE